


**BAKER BOTTS LLP**Please type a plus sign (+) inside this box → **TRANSMITTAL  
FORM***(to be used for all correspondence after initial filing)*

Application Number A34859 PCT USA

Filing Date December 20, 2001

First Named Inventor Ulrich Lettau

Group Art Unit 3617

Examiner Name

Total Number of Pages in This Submission

Attorney Docket Number A34859 PCT USA

**RECEIVED**

MAR 11 2003

**GROUP 3600****ENCLOSURES (check all that apply)**☒ Fee Transmittal Form☐ Fee Attached☒ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Assignment Papers (for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below):

Copy of Notice of Acceptance, Decision, Response filed 4/12/02, Form PCT/DO/EO/911

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
or  
Individual nameBakerBotts LLP  
30 Rockefeller Plaza  
New York, NY 10112

Signature

Att Name: Bradley B. Geist  
PTO Reg: 27,551

Date

1-14-03

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 1-14-03

Typed or printed name

Bradley B. Geist

Signature

Date 1-14-03

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$0)

## Complete if Known

Application Number A34859 PCT USA  
 Filing Date December 20, 2001  
 First Named Inventor Ulrich Lettau  
 Examiner Name  
 Art Unit 3617  
 Attorney Docket No. A34859 PCT USA

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
 Deposit Account Number  
 Deposit Account Name

02-4377

Baker Botts LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee required under 37CFR 1.16 and 1.17☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$0)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 20 = 0	X	0
Multiple Dependent	- 3 = 0	X	0

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65		Surcharge - late filing fee or path	
1052 50	2052 25		Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130		Non-English specification	
1812 2,520	2182 2,520		For filing a request for examination	
1804 920*	21804 920*		Requesting publication of SIR prior to Examiner action	
1805 1,840*	21805 1,840*		Requesting publication of SIR after Examiner action	
1251 110	2251 55		Extension for reply within first month	
1252 410	2252 205		Extension for reply within second month	
1253 930	2253 465		Extension for reply within third month	
1254 1,450	2254 725		Extension for reply within fourth month	
1255 1,970	2255 985		Extension for reply within fifth month	
1401 320	2401 160		Notice of Appeal	
1402 320	2402 160		Filing a brief in support of an appeal	
1403 280	2403 140		Request for oral hearing	
1451 1,510	2451 1,510		Petition to institute a public use proceeding	
1452 110	2452 55		Petition to revive - unavoidable	
1453 1,300	2453 650		Petition to revive - unintentional	
1501 1,300	2501 650		Utility issue fee (or reissue)	
1502 470	2502 235		Design issue fee	
1503 630	2503 315		Plant issue fee	
1460 130	2460 130		Petitions to the Commissioner	
1807 50	21807 50		Processing fee under 37 CFR 1.17(q)	
1806 180	21806 180		Submission of Information Disclosure Stmt	
8021 40	28021 40		Recording each patent assignment per property (times number of properties)	
1809 750	2809 375		Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375		For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375		Request for Continued Examination (RCE)	
1802 900	2802 900		Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$0)

## SUBMITTED BY

Name (Print/Type)

Bradley B. Geist

Registration No.  
(Attorney/Agent)

27,551

(Complete if applicable)

Telephone 212-408-2562

Signature

Date

1-14-03

Title: METHOD AND DEVICE FOR ROLLING A STRIP OF VARYING THICKNESS

Use Space Below for Additional Information:

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ulrich Lettau et al  
Serial No. : 10/030,333 Examiner : tba  
Filed : December 20, 2001 Group Art Unit: 3617  
For : METHOD AND DEVICE FOR ROLLING A STRIP OF VARYING  
THICKNESS

AMENDMENT

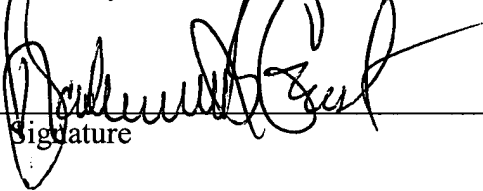
I hereby certify that this paper is being deposited  
with the United States Postal Service as first class mail in  
an envelope addressed to: Assistant Commissioner for  
Patents, Washington, D.C. 20

January 14, 2003

Date of Deposit

Bradley B. Geist

Attorney Name



Signature

27,551

PTO Registration No

January 14, 2003

Date of Signature

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

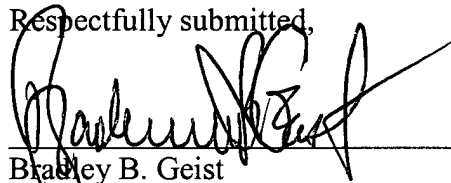
The enclosed PTO document entitled "Filing of 35 U.S.C. §111 Application" dated December 16, 2002, was received on December 23, 2002. Applicants' attorney submits herewith papers previously filed and received, which clearly indicate that the PTO has concluded that U.S.

PATENT

Application Serial No. 10/030,333 "is considered the national state application of international application PCT/DE00/02073."

Accordingly, Applicants' respectfully request that the PTO paper dated December 16, 2002, be vacated. Applicants also note that the PTO's "Attorney Docket No." is not correct and should be changed to A34859.

Respectfully submitted,



Bradley B. Geist  
PTO Reg. No. 27,551  
Attorney for Applicant  
(212) 408-212-408-2562

Enclosure



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/030,333	Ulrich Lettau	A34843-PCT-USA

21003  
BAKER & BOTTS  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

34859  
CONFIRMATION NO. 5793



\*OC000000007756387\*

Date Mailed: 12/16/2002

## FILING OF 35 U.S.C. 111 APPLICATION

The application papers filed are not clearly identified as a submission to enter the national stage under 35 U.S.C. 371 or contain conflicting or no instructions as to whether the papers are filed under 35 U.S.C. 371 or 35 U.S.C. 111. In accordance with 37 C.F.R. 1.494(f) and 37 C.F.R. 1.495(g), such papers are accepted for filing under 35 U.S.C. 111. Accordingly, the papers do not satisfy the requirements for treatments as the national stage of a PCT application and will be processed as a regular U.S. application, including the fees provided for under 37 CFR 1.16, 37 CFR 1.17 and 37 CFR 1.18.

BAKER BOTTS L.L.P.

02 DEC 23 PM 1:55

TO

13/36		

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/911 (371 Conversion to Regular)

BAKER BOTTS L.L.P.

02 DEC 23 PM 1:14



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20233  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/030,333	Ulrich Lettau	74859 A34843 PCT-USA
INTERNATIONAL APPLICATION NO.		
PCT/DE00/02073		
I.A. FILING DATE	PRIORITY DATE	
06/26/2000		

 21003  
 BAKER & BOTTS  
 30 ROCKEFELLER PLAZA  
 NEW YORK, NY 10112

CONFIRMATION NO. 5793

371 ACCEPTANCE LETTER



\*OC000000009247047\*

Date Mailed: 12/16/2002

### NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

10/01/2002
 DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and  
 (c)(4) REQUIREMENTS
10/01/2002
 DATE OF RECEIPT OF ALL 35 U.S.C.  
 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** *The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363).* Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Assignee Statement
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Substitute Specification

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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SHELBY J VIGIL

Telephone: (703) 305-3653

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)





UNITED STATES PATENT AND TRADEMARK OFFICE

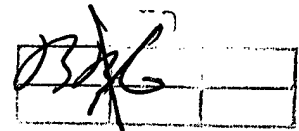
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Baker Botts  
30 Rockefeller Plaza, 44th Floor  
New York, NY 10112

BAKER BOTTS LLP

20 AM

In re Application of  
LETTAU et al  
Application No.: 10/030,333  
International Application No.: PCT/DE00/02073  
Filing Date: 26 June 2000  
Priority Date: 01 July 1999  
Docket No.: A34843-PCT-USA  
For: METHOD AND DEVICE FOR ROLLING A FOIL  
OF VARYING THICKNESSES



DECISION

This application is before the PCT Legal Office for consideration of applicants' 15 April 2002 "Response" to the United States Patent and Trademark Office's (USPTO) Notice entitled "Filing of 35 U.S.C. 111 Application. Applicants request that the papers filed on 20 December 2001 be treated as a request for national stage processing of international application PCT/DE 00/02073 under 35 U.S.C. 371.

### BACKGROUND

On 26 June 2000, applicants filed international application PCT/DE00/02073, which claimed priority of an earlier German application filed 1 July 1999. A copy of the international application was communicated to the United States on 11 January 2001.

On 19 December 2000, a Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 02 January 2002 (01 January 2002 was a Federal holiday.)

On 20 December 2001, applicant filed a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371", which was accompanied by, *inter alia*, an English translation of the international application and the basic national fee, charge to applicant's deposit account. The application was assigned serial no. 10/030,333 and treated as a filing under 35 U.S.C. 111.

A Notice entitled "Filing of 35 U.S.C. 111 Application" was mailed to applicants on 01 April 2002 indicating that the 20 December 2001 filing was not "clearly identified as a submission to enter the national stage under 35 U.S.C. 371" and "was processed as a regular U.S. application".

On 15 April 2002, applicants filed the instant Response.

### DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth

in 35 U.S.C. 371(c).

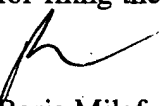
A review of the application file indicates that the transmittal letter filed on 20 December 2000 clearly identified the application as a national stage application being filed under 35 U.S.C. 371. The filing was incorrectly treated as a filing under 35 U.S.C. 111. A review of the finance records indicate that applicant paid the basic national fee of \$740. No conflicting instructions were found among the application papers. Accordingly, the original papers deposited on 20 December 2000 should have been accepted as a filing under 35 U.S.C. 371.

### CONCLUSION


U.S. application 10/030,333 is considered the national stage application of international application PCT/DE00/02073.

The "Filing of 35 U.S.C. 111 Application" mailed on 01 April 2002 is hereby VACATED.

This application is being forwarded to United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision. A Notification of Missing Requirements will be issued indicating that an oath or declaration and the surcharge for filing the oath or declaration after the thirty month period is required.



Boris Milef  
Legal Examiner  
PCT Legal Office



Cynthia M. Kratz  
Attorney Advisor  
PCT Legal Office

CMK/BM:cmk

Telephone: (703) 306-5467  
Facsimile: (703) 308-6459

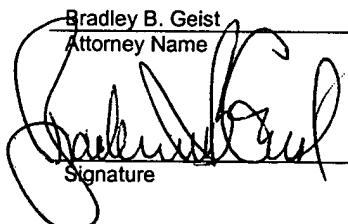
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Lettau et al.  
Serial No. : 10/030,333  
Filed : December 20, 2001  
For : METHOD AND DEVICE FOR ROLLING A STRIP OF  
VARYING THICKNESS  
Examiner : To Be Assigned  
Group Art Unit : To Be Assigned

Assistant Commissioner for Patents  
Washington, DC 20231

**RESPONSE**

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:

Bradley B. Geist Attorney Name	27,551 PTO Registration No
 Signature	April 12, 2002 Date of Signature

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is in response to the attached Notice which was mailed on April 1, 2002.

The above-identified application was filed on December 20, 2001. The accompanying "Transmittal Letter" (copy enclosed) makes it clear that the application was submitted under 35 U.S.C. 371 for entry of the national phase of International Application No. PCT/DE00/2073.

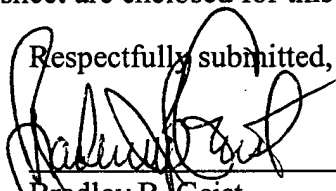
Accordingly, Applicants believe that the papers as filed satisfied the requirements for treatment as the national stage of a PCT application and respectfully request that application papers filed under Serial No. 10/030,333 be accepted as a national stage filing, as the documents and instructions which were filed are in accordance with the Rules for a 35 U.S.C. 371 submission.

No additional fees associated with this communication are required; however, the Commissioner is hereby authorized to charge payment of any such fees required to Deposit Account No. 02-4377. Two copies of this sheet are enclosed for this purpose.

Date: April 12, 2002

By:

Respectfully submitted,

  
Bradley B. Geist  
Reg. No. 27,551

Attorney for Applicant(s)  
(212) 408-2562

BAKER BOTTS L.L.P.  
30 Rockefeller Plaza, 44th Floor  
New York, New York 10112